



**Mary Fallin**  
Governor

**FILED**

**MAY 16 2013**

OKLAHOMA SECRETARY  
OF STATE

## **EXECUTIVE DEPARTMENT EXECUTIVE ORDER 2013-19**

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I, Mary Fallin, Governor of the State of Oklahoma, by the authority vested in me pursuant to Sections 1 and 2 of Article VI of the Oklahoma Constitution hereby establish the Pipeline Safety Task Force.

The purpose of the task force shall be to study the issues related to pipeline safety and prevention of excavation damage. The Pipeline Safety Task Force shall consist of eleven (11) appointed members. All members shall be appointed by and serve at the pleasure of the Governor. At least eight (8) members shall be operators of pipeline facilities and excavators covered by the Oklahoma Underground Facilities Damage Prevention Act. The Governor shall select the chair who shall then select a vice-chair. The Speaker of the House of Representatives and the President Pro Tempore of the Senate are also invited to appoint one legislator each to serve as ex-officio members of the task force.

The task force shall assess pipeline safety and prevention of excavation damage in connection with the Pipeline Inspection, Protection, Enforcement and Safety Act of 2006, the Pipeline Safety Regulatory Certainty and Job Creation Act of 2011 relating to underground damage prevention programs and any Pipeline and Hazardous Materials Safety Administration rules resulting from authority granted under either act, including but not limited to:

1. Whether the Oklahoma Underground Facilities Damage Prevention Act is consistent with any final rules issued in the Pipeline and Hazardous Materials Safety Administration, Notice of Proposed Rulemaking, 49 C.F.R. Parts 196 & 198 (April 2, 2012);
2. The need to implement a complaint process under the regulatory authority of the Corporation Commission;
3. The adequacy of the current enforcement powers of the Commission;
4. The need to authorize the Commission to take enforcement action with respect to any of the following prohibited practices:
  - a. excavation or demolition by an excavator without first notifying all operators in the geographic area, as required by law,
  - b. failure by an excavator to employ excavation or demolition procedures specified by law,

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- c. failure by an excavator to report damage to the operator as required by law,
  - d. in the event of damage to a pipeline that results in the escape of any flammable, toxic, or corrosive gas or liquid that may endanger life or cause serious bodily harm or damage to property, failure to report the incident promptly to local 911 emergency authority,
  - e. failure by a pipeline operator to report to the Commission those incidents involving its facilities as required by law,
  - f. frivolous and malicious notifications to operators of pipelines, and
  - g. repeated instances of any of these prohibited practices;
5. Whether providing enforcement authority requires clarifying the private rights-of-action provided by the Oklahoma Underground Facilities Damage Prevention Act; and
  6. Any other issues the task force deems advisable.

The task force shall report its findings to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives no later than December 1, 2013. This report shall include the results of its assessment and any recommendations approved by a majority of the members.

If the Pipeline and Hazardous Materials Safety Administration has not issued final rules in Docket No. PHMSA-2009-0192 by December 1, 2013, then the task force shall issue its preliminary findings on December 1, 2013, and shall issue its final report thirty (30) days after the issuance of final rules in Docket No. PHMSA-2009-0192. This task force shall sunset upon issuance of its final report.

The task force shall meet at such times and places as it deems appropriate. Members shall serve without compensation. Administrative support for the task force, including personnel necessary to ensure the proper performance of the duties and responsibilities of the task force, shall be provided by the Oklahoma Corporation Commission.

This Executive Order shall be distributed to the Secretary of Energy, which shall cause the provisions of this Order to be implemented.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 16<sup>th</sup> day of May, 2013.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

Mary Fallin  
MARY FALLIN

ATTEST:

Chris Morris  
SECRETARY OF STATE

Assistant

